## REMARKS/ARGUMENTS

The present application has been carefully reviewed in light of the March 11, 2008 Office Action. In response, applicant has amended claims 1-3, 8 and 11; canceled claims 9, 12-14, 17, 25, 26 and 28-33; and added new claims 34-52, as indicated above. In light of these amendments, and the following remarks, applicant respectfully requests reconsideration and reexamination of the application.

### INTERVIEW SUMMARY

On May 8, 2008, applicants, applicants' attorney Aaron Borrowman, Examiner Krasnic and his supervisor, Mr. Wu held a telephonic interview. Applicants had submitted proposed amended claims to discuss in light of the references.

During the interview, Mr. Krasnic asserted that the Rice reference disclosed the establishment or use of a governing body. However, applicants respectfully disagreed with this and asserted that neither the computerized kiosk of Rice, nor the user of the kiosk, constitute a governing body.

Moreover, applicants explained the limitations of the kiosk system of Rice, in that it was limited to a single class of goods (paint), and one had to input a known color identification code, or scan an item in order to obtain a spectrographic match, or the closest match, within the database of the computerized kiosk. The applicants explained that the scanning methodology had limitations in the type of materials which could be reliably scanned. Moreover, if the materials had more than one color associated with them, it would be impossible for the scanner to give an accurate reading or distinguish between the multiple colors.

Furthermore, applicants argued that there is no teaching or suggestion in Rice of any sort of association or labeling of one or more identification codes corresponding to one or more colors of a product submitted by manufacturers so as to be assigned those color code identifications by the governing body.

The applicants explained that their invention was a universal color identification system wherein manufacturers of different products could submit products or product samples and obtain an identification code for each of the colors of the product. These identification codes would then be associated with the product, such as by labeling on the product or product packaging, enabling consumers of products of different manufacturers or of different products using the system of the present invention to correctly and accurately match or coordinate colors of different products. An example was given of the coordination of a couch with drapes and paint, which could be easily accomplished using the present invention, but which could not be done with the Rice patent. This is due to the fact that the couch could not be scanned by the Rice kiosk, and the material for the drapes would have to be a monochrome color which could not be too fuzzy or too reflective so as to be correctly and accurately scanned to give the corresponding paint color code. However, using the present invention, the products would be labeled with the identification codes granted by the governing body, and the consumer could match or coordinate each using the identification codes associated with each of the products. Another example was given by the applicants of a scenario of a wedding, wherein the bride would select dresses, flowers, cummerbunds, table place mats, invitations, etc., in a manner so that each would coordinate and match. In fact, the groom, bridesmaids, best man, etc. in other counties or states could acquire exactly matching dresses, cummerbunds, etc., using the universal color identification system of the present invention.

After discussing the real life limitations of the Rice reference, and the applications of the present invention, Mr. Wu indicated that he thought that it was a good idea and that there were differences between the present invention and the references cited in the Office Action. However, Mr. Wu and Mr. Krasnic indicated that the claims should be amended to indicate that more than one manufacturer was submitting products or product samples to the governing body, and that the products be of a different nature so as to be clearly distinguishable from Rice.

Applicant, as indicated above, has amended the claims to incorporate such recitations. In each of the independent claims, a first manufacturer submits a first product or product sample having at least one color to the governing body to be assigned an identification code corresponding to the at least one color of the first product or product sample. A second manufacturer submits a second product or product sample of a different type than the first product and having at least one color to the governing body so as to be assigned an identification code corresponding to the at least one color of the second product or product sample. The governing body assigns an identification code for each color of the first and second manufacturer's products and grants approval to the first and second manufacturers to use the one or more assigned identification codes in association with their respective first and second products. The first and second manufacturers associate the one or more assigned identification codes with their first or second manufactured product. Consumers of the first and second manufacturer's products utilize the one or more identification codes to match and coordinate colors of the first and second products.

It was agreed during the telephonic interview that the cited references did not disclose such steps. Clearly, Rice does not disclose first or second manufacturers submitting products to a governing body to be assigned a color identification code for each color of the product or product sample, which is later associated with the product so that consumers can match and coordinate the products. It was indicated during the telephonic interview that if such amendments were made to the claims, the claims would distinguish over the cited art.

**CLAIM REJECTIONS**

Claim 12 was objected to, but has been cancelled, thus this objection is moot.

Claims 8-9 and 17 were rejected under 35 U.S.C. §112 for failure to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 9 and 17 have been cancelled. Claim 8 has been amended and no longer refers to cancelled claim 6. Accordingly, these claim rejections are now moot.

All of the previously pending claims were rejected under 35 U.S.C. §103(a) as being unpatentable over Rice et al. (U.S. 2005/0100210 A1) in view of Tracy et al. (U.S. Patent No. 6,139,325). The website www.learningwebdesign.com/colornames.html was also referred to as providing a list or table of different RGB values and names associated with specific RGB values.

However, in light of the discussion during the telephonic interview, the amendment of the claims as noted above, and the fact that the references, either taken alone or collectively, fail to disclose all of the steps of each of the independent claims 1, 38 and 47, as indicated above, these rejections should be withdrawn.

Once again, none of these references disclose the establishment of a governing body. Nor do any of these references teach or suggest a first manufacturer submitting a first product or product sample to the governing body to be assigned an identification code corresponding to the colors of the product or product sample; and a second manufacturer submitting a second product or product sample of a different type than the first product so as to be assigned an identification code by the governing body corresponding to each of the colors of the second product or product sample. Nor do any of these references teach or infer that the governing body compares and matches the one or more colors of the first and second products or product samples and assigns an identification code for each color of the first and second manufacturer's products. Nor is there any teaching or inference in any of these references that the governing body-issued identification codes be associated with the products such that consumers of the first and second manufacturer's products can utilize the one or more identification codes to match and coordinate colors of the first and second products of the manufacturers.

Thus, independent claims 1, 38, and 47 each recite method steps which are completely absent in the cited references. As such, each of the independent claims is patentably distinct from these references. Since the independent claims are patentably distinct from the references, those claims depending therefrom (2-4, 8, 10, 11, 27, 34-37, 39-46, and 48-52) are patentably distinct and non-obvious as well. Thus, applicant

respectfully requests that the rejections be withdrawn and the currently pending claims be allowed, notice of which is hereby respectfully requested.

Respectfully submitted,

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